

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No: THEURER-21
Anticipated Classification of this
application: Class: 701
Prior Appl. No: 09/501,251
Examiner: Jeffrey R. West
Art Unit: 2857

#121093
2/12/03

COMMISSIONER FOR PATENTS
Box CPA
Washington, D.C. 20231

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JAN 29 2003

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SIR:

This is a request for filing a ☒ continuation, or ☐ divisional application under 37 C.F.R. 1.53(d) (Continued Prosecution Application (CPA)), of pending prior application of:

Inventor(s): JOSEF THEURER & BERNHARD LICHTBERGER
Appl. No.: 09/501,251
filed: February 10, 2000
for: METHOD OF SURVEYING A TRACK

1. ☒ The above identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. It is understood that filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or similar information concerning, the other application or applications in the file jacket.

02/12/2003 AJOHNS01 00000002 060502 09501251

01 FC:1006 2. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. 1.53(d)(4).

- ☐ DELETE the following inventor(s) named in the prior nonprovisional application:

- ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

3. ☐ A verified statement to establish small entity status under 37 C.F.R. §1.9 and 1.27
☐ is enclosed, or
☐ was filed in the prior application and such status is still proper and desired (37 C.F.R. 1.28(a)), or
☐ is no longer claimed.
4. ☐ Enter the amendment previously filed on _____ under 37 C.F.R. 1.116 but unentered, in the prior application.
5. ☒ A preliminary amendment is enclosed.
6. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 5 above.

Basic fee for the above application:	\$750.00	FAX RECEIVED JAN 29 2003 TECHNOLOGY CENTER 2800
Total number of claims 3-20	\$ 0.00	
Independent claims 2-3	\$ 0.00	
Reduction by 50% for filing by a small entity	\$	
Total filing fee:	\$750.00	

7. ☐ A check in the amount of \$ _____ is enclosed.
8. ☒ The Commissioner is hereby authorized to charge the filing fee of \$750.00 and any additional fees which may be required, or credit any overpayment to Account No. 06-0502.
9. ☐ Cancel in this application original claims ... of the prior application before calculating the filing fee.
10. ☐ New formal drawings.
11. ☒ Priority of application Appl. No. A 204/99, filed February 12 1999, in Austria is claimed under 35 U.S.C. 119(a)-(d).
☒ The certified copy has been filed in prior patent application Appl. No. 09/501,251, filed February 10, 2000.
12. ☐ An Information Disclosure Statement (IDS)
☐ PTO Form 1449
☒ Copies of PTO Form 1449 as filed by applicant during prosecution of parent application 09/501,251, and of PTO Forms 892, as cited by the Examiner during prosecution of parent application 09/501,251.
☐ Copies of IDS Citations

13. ☒ Priority of application is assigned of record to:

Franz Plasser Bahnbaumaschinen-Industrie Gesellschaft m.b.H.

14. ☐ A new Assignment
☐ Cover Sheet under 37 C.F.R. 3.73(b)

15. ☒ The power of attorney in the prior application is to:

**Henry M. Feiereisen,
350 Fifth Avenue, Suite 3220,
New York, N.Y. 10118.**

- a. ☒ The power appears in the original papers in the prior application.
b. ☒ Address all future communications to: **FAX RECEIVED**



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16. ☐ EXTENSION OF TERM

- a. ☐ The Commissioner is hereby petitioned to extend the period for response to Official Action, dated in the prior patent application, Appl. No: , filed by months until . Accompanying this communication is the appropriate fee of \$ pursuant to 37 C.F.R. §1.17(c) and 37 C.F.R. §1.136(a).
- b. ☐ Request for Extension of Time was filed on together with a Request for Reconsideration, and the appropriate fee of was paid.

Respectfully submitted,

By: 

**Henry M. Feiereisen
Agent for Applicant
Reg. No. 31,084**

Date: January 29, 2003
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HMF:af

The Office of
HENRY M. FEIEREISEN

Patent Agent


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FACSIMILE TRANSMISSION

TO:	Commissioner for Patents Washington, D.C. 20231	
ATTENTION:	Examiner: Jeffrey R. West, Group Art Unit: 2857	
FAX-NO.:	(703)308-5841	
FROM:	Henry M. Feiereisen	
APPL. NO.	09/501,251	FAX RECEIVED
FILED:	February 10, 2000	JAN. 29 2003
DOCKET NO:	THEURER-21	TECHNOLOGY CENTER 2800
TYPE OF PAPER:	CPA and PRELIMINARY AMENDMENT	
DATE:	January 29, 2003	
NO. OF PAGES (including this page):	14 pages	
MESSAGE:	DELIVER DIRECTLY TO EXAMINER	

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office, Washington, D.C. 20231 on the date shown below.

	<u>Henry M Feiereisen</u> Name of Representative
Signature	<u>1/29/2003</u> Date

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